

MPCI-0031

2

PATENT

**REMARKS**

Claims 1-42 were pending. In response to the Examiner's restriction requirement, Applicant provisionally elects to pursue claims 1-36, Group I, with traverse. Applicant reserve the right to prosecute claims 37-42 in a future divisional application.

**Restriction Requirement**

The Examiner requires Applicant to elect one of the following designated groups for examination:

Invention I, encompassing claims 1-36, "drawn to a drug dosage form, classified in class 424, 129";

Invention II, encompassing claims 37-42, "drawn to a method of administering a compound, classified in class 604, subclass 20".

(Office Action at page 2).

Notwithstanding the foregoing, Applicant respectfully submits that Groups I and II as set forth by the Examiner are amenable to being combined and that such further grouping would not impose a serious burden on the Examiner as Groups I and II are drawn to related subject matter.

The invention of Group I includes drug dosage forms that include a compound susceptible to moisture induced degradation and at least one pharmaceutically acceptable excipient prepared under conditions of low compression. Similarly, the invention of Group II includes a method of administering a compound susceptible to moisture induced degradation to a patient that includes the step of providing a unit dose of the compound that has not been processed by employing high compression. Accordingly, as Groups I and II are drawn to related subject matter, i.e., drug dosage forms susceptible to moisture induced degradation that are prepared under conditions of low compression, a restriction between Groups I and II should not

**MPCI-0031**

**3**

**PATENT**

be required. Applicant requests that the Examiner reconsider this restriction requirement after an initial search has been conducted.

**Election of Species**

The Office Action also requires a provisional election of a specific compound and a specific excipient for prosecution. Pursuant to 37 C.F.R. § 1.146, Applicant hereby provisionally elects levothyroxine as a compound. Applicant also hereby provisionally elects olive oil as an excipient.

It is Applicant's understanding that these elections are being made to aid the Examiner in conducting an examination of the claimed subject matter, and are not to be construed as limiting the scope of Applicant's claims. It is Applicant's understanding also that, if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the disclosed species.

**MPCI-0031**

**4**

**PATENT**

Applicant believes that the foregoing is a full and complete response to the Office Action  
of record.

Respectfully submitted,

Stephen C. Timmins, Esq.  
Registration No. 48,481

Date:  
WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
(215) 568-3100